

THE LAW OFFICES OF ANDREW J. FRISCH, PLLC

December 11, 2024

The Honorable Eric R. Komitee
United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: United States v. Carlos Watson and OZY Media, Inc., Docket No. 23-00082 (EK)

Dear Judge Komitee:

I respectfully submit this letter as my application to withdraw as counsel in the above-referenced case. It is absolutely impossible for me to be prepared for sentencing as scheduled and provide effective assistance. If the Court declines to grant this application, I will appear as required but will not be prepared to participate.

At the telephone conference yesterday, the Court ordered that sentencing begin on Friday, December 13, 2024, and continue on Monday, December 16, 2024. As Mr. Sullivan explained in his letter of yesterday morning (Docket No. 358, incorporated by reference herein), the Probation Department filed its addenda to the presentence reports yesterday, in violation of Rule 32(g)'s requirement of advance notice of at least seven days; the government yesterday filed an 86-page sentencing memorandum; and defense counsel still have not worked their way through the government's disclosures on restitution, which counsel believe might inform issues of loss and forfeiture even if restitution itself can be resolved after sentencing. That status has not changed.

Meanwhile, I have multiple competing professional and personal commitments, including (1) a sentencing in *United States v. Omar Castro Lopez*, 19-cr-536 (S.D.N.Y.), on December 18, 2024; (2) my need to visit Mr. Lopez in advance at the Metropolitan Detention Center; (3) a conference in New York Supreme Court on December 17, 2024, in which my client is a lawyer under investigation for possibly violating the terms of in-patient drug treatment; (3) a civil petition for which the statutory deadline is December 16, 2024; (4) a civil matter with an imminent statute of limitations (within two weeks) in which I have been preoccupied this morning and will continue to need to devote time; (5) an unexpected personal matter which requires my time; and (6) the usual array of daily commitments. Also, as the Court is aware, all three of the defense lawyers live at least three hours from Brooklyn so logistics will occupy at least a portion of the dwindling hours between today and Friday. I absolutely cannot be prepared to represent my clients effectively pursuant to the current schedule and decline to be used by the government as a prop to create an appearance of fair justice consonant with the Sixth Amendment.

I am not unmindful of the Court's interest in proceeding to sentencing but that interest needs to be properly balanced with the rights of the Defendants to a proper and fair sentencing. We requested a date in early January 2025 because the additional three weeks is necessary to review the relevant materials, marshal arguments, and prepare, consistent with competing commitments, and also to account for the intervening holidays. If the Court cannot see clear to find a time for this case during the first week of (or any week in) January 2025, perhaps the Court can at least find a day between December 23 and 31, 2024. If so, counsel propose that Mr. Sullivan and I appear in person, and Ms. Frison appear remotely. Otherwise, I respectfully ask that the Court grant my motion to withdraw.

Respectfully,

/s/ Andrew J. Frisch

cc: Counsel of Record